

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY JE D.C.  
05 AUG 19 PM 3:43

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W/D OF TN, MEMPHIS

WALTER SPIRES, as Successor in Interest to	)	
Harmos Orthopedics, Inc.,	)	
	)	
Plaintiff,	)	No. 05-2343-MA V
	)	JURY DEMANDED
v.	)	
	)	
THORTEX, INC. and VIPER	)	
TECHNOLOGIES, LLC, d/b/a THORTEX,	)	
	)	
Defendants.	)	

JOINT ~~PROPOSED~~ SCHEDULING ORDER

Pursuant to written notice, a scheduling conference was held ~~Thursday, August 25, 2005~~. Present were Gregory O'Neal, counsel for Plaintiff, Walter Spires, and Marianne Bell Matthews, counsel for Defendant, Viper Technologies, LLC, d/b/a Thortex. At the conference, the following dates were established as the final dates for:

INITIAL DISCLOSURES PURSUANT TO Fed.R.Civ.P. 26(a) (1): Friday, September 2, 2005

JOINING PARTIES: Friday, October 21, 2005

AMENDING PLEADINGS: Friday, October 21, 2005

INITIAL MOTIONS TO DISMISS: Friday, November 18, 2005

COMPLETING ALL DISCOVERY: Thursday, April 20, 2006

- (a) DOCUMENT PRODUCTION: Thursday, April 20, 2006
- (b) DEPOSITIONS, INTERROGATORIES AND REQUESTS FOR ADMISSIONS: Thursday, April 20, 2006
- (c) EXPERT WITNESS DISCLOSURE (Rule 26):

- (1) DISCLOSURE OF PLAINTIFF'S RULE 26 EXPERT INFORMATION: Friday, February 17, 2006
- (2) DISCLOSURE OF DEFENDANT'S RULE 26 EXPERT INFORMATION: Monday, March 20, 2006
- (3) EXPERT WITNESS DEPOSITIONS: Thursday, April 20, 2006

FILING DISPOSITIVE MOTIONS: Friday, May 19, 2006

OTHER RELEVANT MATTERS:

No depositions may be scheduled to occur after the discovery cutoff date. All motions, requests for admissions, or other filings that require a response must be filed sufficiently in advance of the discovery cutoff date to enable opposing counsel to respond by the time permitted by the Rules prior to that date.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or the service of the response, answer, or objection, which is the subject of the motion, if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or the objection to the default, response, answer, or objection shall be waived.

This case is set for a jury trial, and the trial is expected to last 3-5 days. The pretrial order date, pretrial conference date, and trial date will be set by the presiding judge.

This case may be appropriate for ADR. The parties are directed to engage in court-annexed attorney mediation or private mediation after the close of discovery.


The parties are reminded that pursuant to Local Rule 11(a)(1)(A), all motions, except motions pursuant to Fed. R. Civ. p. 12, 56, 59, and 60 shall be accompanied by a proposed order.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties have not consented to trial before the magistrate judge.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

IT IS SO ORDERED.

  
DIANE K. VESCOVO  
United States Magistrate Judge

Date: August 19, 2005

APPROVED:

/Gregory O'Neal/ w/ perm. by Marianne Bell Matthews (#20631)

\_\_\_\_\_  
Gregory O'Neal  
Bratton & O'Neal, P.C.  
675 Oakleaf Office Lane, Suite 200  
Memphis, Tennessee 38117  
(901) 684-6100  
Counsel for Plaintiff,  
Walter Spires

/Marianne Bell Matthews/

\_\_\_\_\_  
Marianne Bell Matthews  
Baker, Donelson, Bearman,  
Caldwell & Berkowitz, P.C.  
165 Madison Avenue  
2000 First Tennessee Building  
Memphis, Tennessee 38103  
(901) 526-2000  
Counsel for Defendant,  
Viper Technologies, LLC, d/b/a Thortex



## Notice of Distribution

This notice confirms a copy of the document docketed as number 8 in case 2:05-CV-02343 was distributed by fax, mail, or direct printing on August 24, 2005 to the parties listed.

---

Bradley E. Trammell  
BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ  
165 Madison Ave.  
Ste. 2000  
Memphis, TN 38103

Gregory W. O'Neal  
BRATTON & O'NEAL  
675 Oakleaf Office Ln.  
Ste. 200  
Memphis, TN 38117

Marianne Bell Matthews  
BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ  
165 Madison Ave.  
Ste. 2000  
Memphis, TN 38103

Honorable Samuel Mays  
US DISTRICT COURT